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EXAMINER
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MILEF, ELDA G

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3628

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/817,626	BAKER, CHARLES PITMAN	
	Examiner	Art Unit	
	Elda Milef	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/26/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: tier(s) 60. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Appropriate correction is required.

***Specification***

2. The disclosure is objected to because of the following informalities: p. 10, line 13, "or" should be "of".

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericksen (US PG Pub. 2002/0123960 A1).

**Re claim 1:** Ericksen discloses:

a. a computer system having a database, the database further comprising -see fig. 2

i. data describing vendors approved to use the computer system;

ii. data describing lenders accessible to the computer system ("The customized loan system 5 includes a lender 10, a customer 15, a custom loan manager 20, and a third party information provider 25.")-see para. 28

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iii. at least one tier comprising loan approval rules-based criteria for each lender accessible to the computer system.

("the present invention takes five components into consideration in calculating customized loan terms regardless of the type or category of loan. These components are (1) cost of funds, (2) expected operating expenses, (3) expected credit losses, (4) `risk` or unexpected credit losses, and (5) excess returns due to active management. The cost of funds, expected operating expenses and expected credit losses are calculated based upon a detailed analysis of a borrower/lender")-see para. 32 and figures 3-8.

b. a data communications network operatively in communications with the computer system, the data communications network further comprising at least one interface to one or more sources of financial information ("The customized loan system 5 includes a lender 10, a customer 15, a custom loan manager 20, and a third party information provider 25. The system also includes one or more communication medium(s) 30 through which each of the components 10, 15, 20, 25 can communicate. The communication medium(s) 30 is representative of any network or networks through which customers and lenders communicate for the purchase and sale of loan products, including conventional

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telephone networks, computer networks, or the Internet. ") -see para. 28.

c. an input terminal, operatively connected to the computer system via the data communications network, for providing borrower information to the computer system, the borrower information comprising borrower personal data, borrower personal financial data, and the application includes data describing collateral to be financed. ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's credit score, debt burden, and collateral") -see para. 6 and ("The custom loan manager 20 generally includes a processor 35, bus 40, display device/input device 45, memory 50, storage device 65, and network interface 70.") -see para. 29.

d. loan approval software operatively resident in the computer system for evaluating the borrower information and information from the one or more sources of financial information according to the loan approval criteria and accepting or rejecting the borrower's request for a loan ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's

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credit score, debt burden, and collateral, if any. The present invention then calculates an expected probability of default for a loan to that customer, and calculates custom loan terms that will deliver a minimum return on equity (e.g., 18%) given the lender's capital structure and funding rates. These loan terms are then offered to the customer. According to one aspect of the invention, the custom loan terms include annual percentage rate of the loan. According to another aspect of the invention, the custom loan terms include yearly fee or loan amount.")-see para. 6.

e. an output device, operatively connected to the computer system via the data communications network, for displaying a result of the loan approval software. ("The display device/input device 45, for example, a keyboard or pointing device in combination with a monitor, receives and outputs, via a display, data produced or processed by the custom loan manager 20. For instance, as will be explained in detail with reference to FIGS. 3-8, the custom loan manager 20 produces customized loan terms that may be displayed to an operator of the custom loan manager 20 via the display device/input device 45. The display device can include a monitor, printer, personal digital assistant, or other well known device for displaying data to an operator.")-see para. 29.

**Re claim 2:** Ericksen discloses:

the data communications network is selected from the group of data communications networks consisting of the Internet, Intranets, synchronous dial-ups, asynchronous dialups, synchronous dedicated lines, asynchronous dedicated lines, and local area networks. ("The system also includes one or more communication medium(s) 30 through which each of the components 10, 15, 20, 25 can communicate. The communication medium(s) 30 is representative of any network or networks through which customers and lenders communicate for the purchase and sale of loan products, including conventional telephone networks, computer networks, or the Internet. Although the individual components 10, 15, 20, 25 are illustrated as separate components communicating with the aid of the communication medium(s) 30, it should be appreciated that one or more of the components 10, 15, 20, 25 can reside on the same network. For instance, the custom loan manager 20 may be located on the same network as, and local to, the lender 10, such that the communication medium between the two components is a local area network (LAN). Additionally, according to another illustrative example, a customer 15 may be in communication with a lender 10 via an Internet connection where the lender 10 offers loans via a web page accessed by the



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customer through an Internet connection, such as provided by an Internet Service Provider (ISP). As will be appreciated by those of skill in the art, the modes of communication between the entities of the system 5 of FIG. 1 may be accomplished by any well known communication means, and are not limited to any particular means stated herein.")-see para. 28.

**Re claim 3:** Ericksen discloses:

wherein the sources of financial information comprise credit reporting bureaus, external financial data sources, and sources of valuation data for a predetermined set of items. ("The storage device 65 may contain one or more tables or databases that store customer credit information, such as historical credit information received from credit bureaus, customers, and third parties.")-see para. 30.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 4-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericksen (US PG Pub. 2002/0123960 A1) in view of Green et al. (US PG Pub. 2003/0009418 A1) in further view of Saladin et al. (US Patent No. 5,262,941).

**Re claim 4: Ericksen discloses:**

b. obtaining a predetermined set of borrower information concerning the borrower, the borrower information comprising borrower personal data, borrower personal financial data ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's credit score, debt burden, and collateral")-see para. 6.

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c. obtaining a predetermined set of data regarding the item. ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's credit score, debt burden, and collateral.")-see para. 6.

d. selectively enabling the vendor with access to a loan approval portion of the lender data screen. ("For example, the custom loan manager 20 may be located on the same network as, and local to, the lender 10, such that the communication medium between the two components is a local area network (LAN)... a customer 15 may be in communication with a lender 10 via an Internet connection where the lender 10 offers loans via a web page accessed by the customer through an Internet connection, such as provided by an Internet Service Provider (ISP)")-see para 28.

f. inputting the borrower information and the data regarding the item into the data entry area. ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's credit score, debt burden, and collateral")-see para. 6 and ("Credit applications typically include fields for the purposes of identifying

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the customer (e.g., social security number, name, address, etc.) the customer's accounts, the customer's income, and like data for the purposes of determining credit worthiness. This information is received (block 100) by the custom loan manager 20 of the present invention, either automatically or through a manual process. For instance, the credit application may be an electronic application located at one or more websites, and the credit data transferred to the system of the present invention.")-see para. 49.

g. transmitting the borrower information and the data regarding the item to an application validation process. ("This information is received (block 100) by the custom loan manager 20 of the present invention, either automatically or through a manual process.")-see para. 49.

i. obtaining a predetermined set of credit information regarding the borrower ("Next, the present invention pulls or accesses credit data from one or more third parties, such as credit bureaus (e.g., Equifax, Experian, and TransUnion), as are well known in the art (block 105 ). This information preferably includes a customer's credit score and a default rating that indicates the probability that the customer will default on a loan. ") -see para. 49.

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j. for each tier, using predetermined loan approval rules-based criteria to compare the borrower information, the data regarding the item, and the credit information against the loan approval criteria associated with the lender in that tier until at least one tier's criteria are met or no more tiers exist. ("the calculation by the loan processing module 55 of the expected default rate (block 110) and/or risk from debt burden (block 115) may be used as the default rate in determining the interest rate for a customer's customized loan. According to one aspect of the invention, the loan processing module 55 calculates an interest rate base solely on the expected default rate. According to another aspect of the invention, the loan processing module calculates an interest rate based entirely upon the risk from debt-burden. According to yet another aspect of the invention the loan processing module calculates an interest rate based upon the default rate provided by the credit bureau. However, because each of these taken alone is less reliable than the combination of the default measurements, it is preferred that at least two of the techniques are combined by the loan processor module 55 using a weighted average technique such as Bayes Theorem.")-see para. 54

**Ericksen do not disclose:**

a. having a vendor of an item to serve as collateral for a loan access a lender data screen at the input terminal, the lender data screen associated with a lender having preexisting relationship with the vendor. Green shows ("Example lenders and/or credit providers used by the preferred embodiment of an automated mortgage system are banks, mortgage brokers and other financing sources known to finance providers.")-see para. 28 and ("borrower 101 interacts with the agent 102 over one or more of any suitable communications media, such as in person, via voice communications over the telephone, via the completion of an application form on paper, which is completed in person or mailed to the agent 102, or by completion of a form on a computer terminal connected to the Internet or other computer network. Green do not disclose collateral, however, it is well known in the art that borrowers list collateral or assets that may be available to secure a loan on loan applications as shown by Ericksen ("Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, as well as data relating to a customer's credit score, debt burden, and Collateral")-see para. 6. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ericksen et al. to include having a vendor

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of an item to serve as collateral access a lender data screen as was done by Green in order to be able to directly access lender information and therefore expedite loan processing.

e. selectively enabling the vendor with access to a loan application input form comprising at least one data entry area. Green however, shows ("The borrower 101 interacts with the agent 102 over one or more of any suitable communications media, such as in person, via voice communications over the telephone, via the completion of an application form on paper, which is completed in person or mailed to the agent 102, or by completion of a form on a computer terminal connected to the Internet or other computer network.")-see para. 18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include selectively enabling a vendor access to a loan application as was done by Green in order to obtain loan information quickly.

Ericksen does not specifically disclose:

h. validating the borrower information and the data regarding the item as transmitted. Green however, shows ("In addition to the consolidated report 118, the central server 103 of the preferred embodiment may also transmit a confirmation code. The confirmation code is provided by the financial information source and may be used by the lender to verify or

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reconfirm the information received.")-see para. 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include validating the borrower information as was done by Green into Ericksen in order to ensure the accuracy of the information in the loan application.

Ericksen et al. and Green do not specifically disclose:

k. if the borrower information, the data regarding the item, and the credit information satisfy a tier, notifying the vendor of the tier that has been satisfied. Saladin teaches ("In addition to recommending a determination on whether to extend the credit sought, the method and system of the invention may provide output, usually in the form of computer print-out or computer screen displays, on matters supporting the ultimate recommendation. For example, the method and system may provide as output a summary of the criteria input, and the recommendation, in a prescribed format. Alternatively or in addition, the method and system may provide as output a sequence of observations regarding criteria perceived as positive, and a sequence of observations regarding criteria perceived as negative. The output may include observations made directly by the user (and input to the computer) as well as those generated by the invention. The output from the invention may also include detailed listings and analyses of various



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criteria deemed significant to the recommendation (e.g., information relating to financial statements). This aspect of the invention is of assistance in making manifest the rationale behind the recommendation.")-see col. 1, lines 61-68 and col. 2 lines 1-12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ericksen and Green to include providing information to the vendor as to the criteria that has been satisfied as was done by Saladin in order to provide feedback and recommendations to the vendor and ultimately to the borrower.

1. if no tier is satisfied, notifying the vendor of a rejection of the borrower's request ("In addition to recommending a determination on whether to extend the credit sought, the method and system of the invention may provide output, usually in the form of computer print-out or computer screen displays, on matters supporting the ultimate recommendation. ") -see col. 1, lines 61-65. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ericksen and Green to include providing information to the vendor as to the criteria that has been satisfied as was done by Saladin in order to provide feedback and recommendations to the vendor and ultimately to the borrower.

**Re claim 5:** Ericksen discloses:

wherein the lender data screen is a web page accessible via an Internet communications link ("Additionally, according to another illustrative example, a customer 15 may be in communication with a lender 10 via an Internet connection where the lender 10 offers loans via a web page accessed by the customer through an Internet connection, such as provided by an Internet Service Provider (ISP).")-see para 28.

**Re claim 6:** Ericksen discloses:

wherein the predetermined set of borrower information further comprises borrower income data and down payment data. ("Credit applications typically include fields for the purposes of identifying the customer (e.g., social security number, name, address, etc.) the customer's accounts, the customer's income, and like data for the purposes of determining credit worthiness.")-see para. 40 and ("Next, the loan processor module 55 computes an expected recovery on a loan default (block 170) considering expenses for collecting on the default. This value is calculated as 90% of the cash deposit.")-see para. 55

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**Re claim 7 and 8:** Ericksen discloses:

wherein the data regarding the item to be purchased further comprises data describing the item where the data are obtained from a source of external data for such items; and wherein the source of external data is an independent source of such information ("These costs and expenses must be retrieved by the loan processor (block 300) module 55 from databases within the storage device 65, or from third parties via the network interface 70. Using tables for home values, the expected recovery rate for different loan to value (LTV) ratios (blocks 285, 295, 305) can be calculated by the custom loan manager 20 using the methods described in FIG. 7, above.")-see para. 61.

**Re claim 9:** Ericksen discloses:

a. giving the borrower an opportunity to modify the borrower information; and

b. if such modifications are made, transmitting the modified borrower information to the loan approval evaluation software and reinitiating the comparison process at a predetermined tier.

("Preferably the custom loan manager 20 allows a customer to enter multiple scenarios (e.g., different loan values, yearly

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fees, etc.) so that the customer can obtain beneficial loan terms.")-see para. 62.

**Re claim 10:** Ericksen discloses:

wherein the borrower modification comprises changes to a down payment amount, sources or amounts of income, or other collateral to be used to secure a loan ("Thereafter the custom loan manager 20 can change one or more values, such as the loan term. Additionally, the custom loan manager 20 will allow the customer to input a yearly fee (as collateral) or change the value of the loan, which may result in the calculation of a lower default rate, less overhead, or other terms that may result in advantageous pricing of the interest rate. Preferably the custom loan manager 20 allows a customer to enter multiple scenarios (e.g., different loan values, yearly fees, etc.) so that the customer can obtain beneficial loan terms. ") -see para. 62.

**Re claim 11:** Ericksen does not disclose:

a. requiring entry of predetermined vendor security information; and b. validating the vendor security information. Green however, teaches ("Electronic signatures or biometric data are collected in the preferred embodiment by an applicant

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interface device 125. The applicant interface device 125 may be an electronic handwriting acceptor or a biometric measurement device such as a finger print reader, voice recognition device, retinal scanner or other device used to collect individual data used to identify a person, as are known to those skilled in the relevant arts.")see para. 32 ("The financial information communicated and stored in the above described systems is very sensitive, and security against unauthorized access is therefore a concern... The preferred embodiment further utilizes electronic verification, through encrypted verification fields as are known to practitioners of the relevant arts, of electronic messages communicated among the various computers involved in each transaction.") -see para.18. It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to include verification of a vendor accessing borrower information as was done by Green into the combined teachings of Ericksen with Saladin in order to securely transmit information to the necessary parties involved in the loan approval process.

**Re claim 13:** Ericksen discloses:

posting loan approval or rejection information at the output terminal. (" the custom loan manager 20 produces customized loan terms that may be displayed to an operator of

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the custom loan manager 20 via the display device/input device 45.")-see para. 29.

**Re claim 15:** Ericksen discloses:

wherein the properties of the tier at which the loan request is approved comprise annual interest percentage rate, duration of loan, and information required by statute to be present. ("As discussed above, the calculation by the loan processing module 55 of the expected default rate (block 110) and/or risk from debt burden (block 115) may be used as the default rate in determining the interest rate for a customer's customized loan.)-see para. 54 and para.62.

**Re claim 16:** Ericksen discloses:

obtaining by the vendor of a hard copy of approval information ("The display device can include a monitor, printer, personal digital assistant, or other well known device for displaying data to an operator.")-see para. 29.

**Re claim 17:** Ericksen discloses:

obtaining a hard copy is selected from the group of obtaining methods consisting of printing an approval screen, selecting a print option which prints out borrower and loan

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information, and selecting a print option for electronic delivery of borrower and loan information ("The display device can include a monitor, printer, personal digital assistant, or other well known device for displaying data to an operator.")-see para. 29 and ("Additionally, according to another illustrative example, a customer 15 may be in communication with a lender 10 via an Internet connection where the lender 10 offers loans via a web page accessed by the customer through an Internet connection, such as provided by an Internet Service Provider (ISP)")-see para. 28.

**Re claim 18:** Ericksen discloses:

acceptance of the loan as offered by the lender by the borrower; signing a loan approval form by the borrower; and transmitting a package of loan information including the signed loan approval form to the lender. It is old and well known in the art the these steps occur in the acceptance of a loan contract.

**Re claim 19:** Ericksen does not disclose:

the borrower signs the loan approval form electronically. Green et al. discloses ("Electronic signatures or biometric data are collected in the preferred embodiment by an applicant

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interface device 125.")-see para. 18. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Ericksen to include the borrower electronically sign the loan approval as was done by Green in order to provide a faster means of receiving the loan contract.

**Re claim 24:** Ericksen discloses:

each tier's properties further comprise properties for a predetermined set of product type classifications whereby each loan application may be processed differently at each tier based on a product type classification of the item for which the borrower is requesting a loan ("According to one embodiment of the invention systems, methods and computer program products of the present invention can be utilized to offer customized loans for a number of loans, including both unsecured and secured loans. For instance, the present invention may be used with unsecured installment loans, unsecured lines of credit, loans secured by cash, loans secured by securities (e.g., equity, bonds, mutual funds, etc.), and loans secured by real property (e.g., home mortgages). However, it will be appreciated by one of ordinary skill in the art that the present invention may



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also be extended to additional types of loans other than those listed herein, such as for auto loans, charge cards, and revolving credit cards. Therefore, the examples used herein are intended as illustrative embodiments of the present invention, and are not intended to be limiting as to the scope of the present invention.")-see para. 27

**Re claim 26:** Ericksen does not disclose:

only a vendor is allowed to enter borrower attributes. Green et al. however, disclose ("The borrower 101 in the preferred embodiment may visit one of a plurality of agents 102. The agent 102 of the preferred embodiment may a licensed lending institution such as a mortgage broker. In the preferred embodiment of a licensed lender operation, the potential mortgagor is the borrower or loan applicant 101. The borrower 101 interacts with the agent 102 over one or more of any suitable communications media, such as in person, via voice communications over the telephone, via the completion of an application form on paper, which is completed in person or mailed to the agent 102, or by completion of a form on a computer terminal connected to the Internet or other computer network. In the course of interacting with the borrower 101, the agent 102 obtains identification information 110 from the

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borrower 101 in step 201.")-see para. 18. Therefore, it would have been obvious at the time the invention was made to modify Ericksen to include only a vendor being allowed to enter borrower attributes as was done by Green et al. in order to process the loan information efficiently and securely.

**Re claim 27:** Ericksen does not disclose:

allowing a vendor to initiating a relationship electronically with at least one lender in realtime. Green et al. however shows("The consolidated report 118 is then sent to one or more lenders or credit providers (not shown) and/or to agent 102 in step 208. Example lenders and/or credit providers used by the preferred embodiment of an automated mortgage system are banks, mortgage brokers and other financing sources known to finance providers. The format of this consolidated report 118 may be tailored to each lender or credit provider.")-see para. 28 and ("the enhanced information provided by the present invention will improve the ability of all consumer credit providers to better assess the credit worthiness of credit applicants in a rapid, almost instantaneous manner")-see para. 33.

**Re claim 28:** Ericksen discloses:

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financial information may be obtained from a source of financial information such as DUN BRADSTREET. ("the customized loan system 5 includes a lender 10, a customer 15, a custom loan manager 20, and a third party information provider 25.")-see para. 28 and fig.1.

**Re claim 29:** Ericksen discloses:

providing lenders with an ability to manipulate lending criteria for one or more tiers for that lender.

("A unique aspect of the present invention is that it prices customers as individuals, rather than as one of a pool of customers, such that individual loan terms may be customized for each customer. Thus, the present invention offers an individual risk based pricing model that makes the loan process more objective by introducing the same level of rigor to the pricing of loan terms as is in the development of a credit score. Therefore, instead of offering one lending product, or several small variations, to the mass market, the present invention allows for mass customization where each customer's loan is unique in price, amount, and terms to that customer. ") -see para. 12

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**Re claim 30:** Ericksen discloses:

A computer program embodied within a computer-readable medium created using the method of claim 4. ("the present invention may take the form of a computer program product on a computer-readable storage medium having computer-readable program code means embodied in the storage medium. Any suitable computer-readable storage medium may be utilized including hard disks, CD-ROMs, optical storage devices, or magnetic storage devices. -see para.23

Claims 12,14, 20, 21, 22, and 23, 25 have similar limitations found in claims 11, 4 and 24, and therefore are rejected under the same rationale.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Orr, Bill. *Easy Money*. American Bankers Association. ABA Banking Journal. New York: Mar 2000. Vol. 92, Iss. 3; pg. 41, 4 pgs. Cited for its reference to Xpede, a company that automatically processes applications online (receives credit reports, interfaces with underwriters, and get realtime appraisals).

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Peterson, Paul. *Keeping Promises*. Mortgage Banking, Washington, Mar 2001. Vol.61, Iss. 6; pf. 70, 6 pgs. Cited for its reference to automated underwriting and the analysis of the borrower's capacity to repay a loan based on the underlying value of collateral.

Sellers, Bob L., *Putting People First*. Independent Banker. Sauk Centre: Feb 1993. Vol. 43, Iss. 2; pg. 10. (Abstract). Cited for its reference to the four "C's" of credit: 1) capacity; 2) collateral; 3) character; 4) credit history.

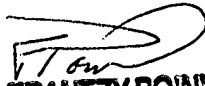
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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